

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

RUDOLPH CAREY III,

Plaintiff,

v.

Civil Case No. 1:21-cv-1090

NELSON SMITH, in his official capacity as Commissioner of the Virginia Department of Behavioral Health and Developmental Services,

Defendant.

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**JOINT MOTION FOR ENTRY OF JUDGMENT**

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Under Fed. R. Civ. P. 58(d), the parties request that the Court enter judgment in this matter.

The Court entered an order granting in full Defendant's Motion to Dismiss under Rule 12(b)(1) on January 18, 2022. *See* ECF 19. The Court further entered an order denying Plaintiff's motion to reconsider that dismissal on August 1, 2022, *see* ECF 29, but no separate judgment was entered following either order, *cf.* Fed. R. Civ. P. 58(b)(1)(C) (requiring entry of judgment when court "denies all relief"). Plaintiff filed a notice of appeal on August 26, 2022. *See* ECF 30.

To ensure the appeal is free from any technical defects, *see* Fed. R. App. P. 4(a)(2), the parties ask that the Court enter a separate judgment.

DATED this 31st day of August 2022.

Respectfully submitted,

/s/ Paul Sherman

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Commissioner of the Virginia Department of Behavioral Health  
and Developmental Services*

*So Ordered*

*/s/ LMB*

Leonie M. Brinkema  
United States District Judge

*9/1/22*